

T1.11/3 : 10/13

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concerning Customs and related matters



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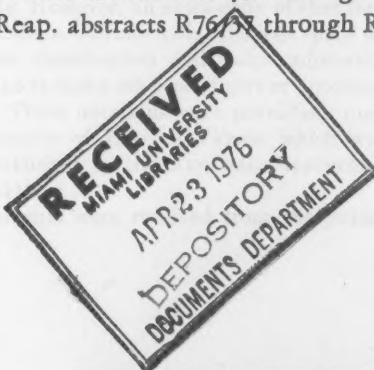
No. 13

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DEPARTMENT OF THE TREASURY

U.S. Customs Service

Customs Bulletin

Regulations, Rulings, Decisions and Notices
Concerning Customs and International Trade

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NOTICE

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U.S. Customs Service

(T.D. 76-82)

Warehouse and rewarehouse entries—Customs Regulations amended

Section 144.11(a) of the Customs Regulations, relating to the execution of
Customs Form 7502, amended

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—UNITED STATES CUSTOMS SERVICE

PART 144 — WAREHOUSE AND REWAREHOUSE ENTRIES AND WITHDRAWALS

On November 25, 1975, a notice of a proposal to amend section 144.11(a) of the Customs Regulations (19 CFR 144.11(a)) to require that Customs Form 7502, Warehouse or Rewarehouse Entry, be executed in triplicate was published in the **FEDERAL REGISTER** (40 FR 54575). Customs Form 7502 is presently required to be executed in duplicate. However, an extra copy of that form is now necessary to provide Customs officials with sufficient space to indicate the correctness of the classification and value information provided by the importer and to make other pertinent or necessary remarks relative to the entry. These notations were previously made on Customs Form 6417, Summary of Entered Values, which was abolished by T.D. 75-209, published in the **FEDERAL REGISTER** on August 19, 1975 (40 FR 36116).

No comments were received from the public in response to this proposal.

Accordingly, section 144.11(a) of the Customs Regulations is amended by deleting the word "duplicate" in the first sentence thereof and substituting in its place the word "triplicate".

(R.S. 251, as amended, secs. 484, 624, 46 Stat. 722, as amended, 759 (19 U.S.C. 66, 1484, and 1624))

Effective date. This amendment shall become effective 30 days from the date of publication in the **FEDERAL REGISTER**.

(ADM-9-03)

VERNON D. ACREE,

Commissioner of Customs.

Approved March 9, 1976,

DAVID R. MACDONALD,

Assistant Secretary of the Treasury.

[Published in the **FEDERAL REGISTER** March 16, 1976 (41 FR (11018)]

(T.D. 76-83)

Manmade fiber textiles—Restriction on entry

Restriction on entry of manmade fiber textiles manufactured or produced in Haiti

DEPARTMENT OF THE TREASURY,

OFFICE OF THE COMMISSIONER OF CUSTOMS,

Washington, D.C., March 11, 1976.

There is published below the directive of February 25, 1976, received by the Commissioner of Customs from the Chairman, Committee for the Implementation of Textile Agreements, establishing levels of restraint for manmade fiber textiles in certain categories manufactured or produced in Haiti.

This directive was published in the **FEDERAL REGISTER** on March 2, 1976 (41 FR 9005), by the Committee.

(QUO-2-1)

JAMES D. COLEMAN,

Acting Director,

Duty Assessment Division.

THE ASSISTANT SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

February 25, 1976.

COMMISSIONER OF CUSTOMS

Department of the Treasury
Washington, D.C. 20229

(G-8-741A)

DEAR MR. COMMISSIONER:

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973 and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on February 27, 1976 and extending through February 26, 1977, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Categories 214, 219, 228, and 229, produced or manufactured in Haiti, in excess of the following levels of restraint:

Category	Twelve-Month Level of Restraint
214	313,570 dozen pairs
219	254,982 dozen
228	148,602 dozen
229	92,588 dozen

In carrying out this directive, entries of man-made fiber textile products in Categories 214, 219, 228 and 229, produced or manufactured in Haiti, which have been exported to the United States prior to February 27, 1976, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period February 27, 1975 through February 26, 1976. In the event that the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), as amended on December 31, 1975 (40 FR 60220).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Haiti and with respect to imports of man-made fiber textile products from

Haiti have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,

*Chairman, Committee for the Implementation
of Textile Agreements, and
Deputy Assistant Secretary for
Resources and Trade Assistance
U.S. Department of Commerce*

(T.D. 76-84)

Foreign currencies—Daily rates for countries not on quarterly list

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Hong Kong dollar, Iran rial, Philippines peso, Singapore dollar, Thailand baht (tical)

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., March 3, 1976

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates in U.S. dollars for the dates and foreign currencies shown below. These rates of exchange are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

Hong Kong dollar:

February 23, 1976.....	\$0.1990
February 24, 1976.....	.2003
February 25, 1976.....	.2003
February 26, 1976.....	.2003
February 27, 1976.....	.1995

Iran rial:

February 23-27, 1976.....	\$0.0144
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Philippines peso:

February 23, 1976.....	\$0. 1325
February 24, 1976.....	. 1325
February 25, 1976.....	. 1325
February 26, 1976.....	. 1325
February 27, 1976.....	. 1345

Singapore dollar:

February 23, 1976.....	\$0. 4024
February 24, 1976.....	. 4028
February 25, 1976.....	. 4029
February 26, 1976.....	. 4026
February 27, 1976.....	. 4023

Thailand baht (tical):

February 23-27, 1976.....	\$0. 0490
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(LIQ-3-O:D:T)

JAMES D. COLEMAN,
Acting Director,
Duty Assessment Division.

(T.D. 76-85)

Foreign currencies—Certification of rates

Rates of exchange certified to the Secretary of the Treasury by the
 Federal Reserve Bank of New York

DEPARTMENT OF THE TREASURY,
 OFFICE OF THE COMMISSIONER OF CUSTOMS,
 Washington, D.C., March 4, 1976.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 76-30 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Italy lira:

February 23, 1976-----	\$0.001264
February 24, 1976-----	.001251
February 25, 1976-----	.001281
February 26, 1976-----	.001294
February 27, 1976-----	.001294

Spain peseta:

February 23, 1976-----	\$0.015070
February 24, 1976-----	.015075
February 25, 1976-----	.015060
February 26, 1976-----	.015035
February 27, 1976-----	.015020

(LIQ-3-O:D:T)

JAMES D. COLEMAN,
Acting Director,
Duty Assessment Division.

[Published in the FEDERAL REGISTER March 19, 1976 (41 FR 11589)]

(T.D. 76-86)

Cotton textiles—Restriction on entry

Restriction on entry of cotton textiles and cotton textile products manufactured or produced in Pakistan

DEPARTMENT OF THE TREASURY,
 OFFICE OF THE COMMISSIONER OF CUSTOMS,
 Washington, D.C., March 12, 1976

There is published below the directive of March 3, 1976, received by the Commissioner of Customs from the Chairman, Committee for the Implementation of Textile Agreements, concerning visa requirement and exempt item stamp for cotton textiles and cotton textile products manufactured or produced in Pakistan. This directive cancels that Committee's directive of May 23, 1975 (T.D. 75-135), and amends that Committee's directives of June 28, 1972 (T.D. 72-208), May 16, 1973 (T.D. 73-154), and January 15, 1974 (T.D. 74-48).

CUSTOMS

This directive was published in the FEDERAL REGISTER on March 8, 1976 (41 FR 9913), by the Committee.

(QUO-2-1)

JAMES D. COLEMAN,
Acting Director,
Duty Assessment Division.

THE ASSISTANT SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

March 3, 1976.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20229

DEAR MR. COMMISSIONER:

This directive cancels the directive of May 23, 1975. It amends, but does not cancel, the directive of June 28, 1972, from the Chairman, Committee for the Implementation of Textile Agreements, that directed you to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64 produced or manufactured in Pakistan for which the Government of Pakistan had not issued an export visa. It also amends, but does not cancel, the directives of May 16, 1973 and January 15, 1974 which established a certification requirement for entry into the United States for consumption and withdrawal from warehouse for consumption of designated handloomed and folklore products of the cottage industry of Pakistan.

One of the requirements is that the export visa and the certification for exempt items must include the signature of an official authorized by the Government of Pakistan.

Under the terms of the Bilateral Cotton Textile Agreement of May 6, 1975, between the Governments of the United States and Pakistan, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, the directives of June 28, 1972, May 16,

1973 and January 15, 1974 are hereby amended to authorize the officials indicated on the enclosed lists to issue visas and certifications for exempt textile products exported to the United States, effective on March 8, 1976. Textile products exported to the United States before March 8, 1976 that have visas or certifications signed by previously designated officials will not be denied entry.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textiles and cotton textile products from Pakistan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **FEDERAL REGISTER**.

Sincerely,

ALAN POLANSKY,

*Chairman, Committee for the Implementation
of Textile Agreements, and*

*Deputy Assistant Secretary for
Resources and Trade Assistance
U.S. Department of Commerce*

*Government of Pakistan Officials
Authorized to Issue Export Visas
For Cotton Textile Products
Exported to the United States*

S. M. Anwar
Pir Mohammad Khan
Ghulam Mustafa
Sajjad Hussain Naqvi
Tariq Iqbal Puri
Abdul Ghaffar Qureshi
Mujib-ur-Rehman
S. A. Zaidi

*Government of Pakistan Officials
Authorized to Issue Certifications
For Exempt Textile Products
Exported to the United States*

Riaz Ahmad
 Mohammad Mahmood Alam
 Mian Mahmud Ali
 Mohammad Aslam
 Israr-Ul-Haque
 S.M.Z. Hasan
 Mohammad Ishaq
 Abdul Wahab Khan
 M. Salim Khan
 M. Zafar Umar Khan
 Mohammad Uounus Khan
 Taj Mohammad Khan
 Abdul Malik
 Mohammad Mohsin
 Khalid Mahmood Mughal
 Ghalib Mustafa
 M.Z.I. Naz
 Abdul Qayyum
 Allah Rakha

(T.D. 76-87)

Cotton textiles—Restriction on entry

Restriction on entry of cotton textiles and cotton textile products
manufactured or produced in Brazil

**DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., March 12, 1976.**

There is published below directive of March 2, 1976, received by the Commissioner of Customs from the Chairman, Committee for the Implementation of Textile Agreements, concerning visa requirement for cotton textiles and cotton textile products in categories 1 through 64 manufactured or produced in Brazil. This directive amends, but does not cancel, that Committee's directives of June 29, 1972 (T.D.

72-200), January 25, 1974 (T.D. 74-57), and November 7, 1974 (T.D. 74-291).

This directive was published in the FEDERAL REGISTER on March 5, 1976 (41 FR 9586), by the Committee.

(QUO-2-1)

JAMES D. COLEMAN,
Acting Director,
Duty Assessment Division.

THE ASSISTANT SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

March 2, 1976.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20229

DEAR MR. COMMISSIONER:

This directive further amends, but does not cancel, the directive of June 29, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, that directed you to prohibit, under certain specified conditions, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in the Federative Republic of Brazil, for which that Government had not issued an appropriate export visa. One of the requirements is that each visa include the signature of a Brazilian official authorized to issue visas.

Pursuant to the provisions of the Bilateral Cotton Textile Agreement of October 23, 1970, as amended, between the Governments of the United States and the Federative Republic of Brazil, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, the directive of June 29, 1972 is further amended, effective on March 3, 1976, to authorize Mr. Antonio Carlos Bastos Junior to issue visas, in addition to those previously designated in our letters of January 25, and November 7, 1974. A complete list of authorized officials is enclosed.

The actions taken with respect to the Government of the Federative Republic of Brazil and with respect to imports of cotton textiles and

cotton textile products from Brazil have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **FEDERAL REGISTER**.

Sincerely,

ALAN POLANSKY,

*Chairman, Committee for the Implementation
of Textile Agreements, and*

*Deputy Assistant Secretary for
Resources and Trade Assistance
U.S. Department of Commerce*

*Officials of the Government of the
Federative Republic of Brazil
Authorized to Issue Export Visas*

Francisco Sampaio de Araujo

José Carlos de Araujo

Eduardo José Ferreira Barnes

Antônio Carlos Bastos Júnior

Octávio de Andrade Ribeiro Dantas

Antônio Bezerra de Figueiredo

Publio Jackson Furiatti

Darcy Mattos Fonseca

José Eymard de Arruda Furtado

Antônio Lins

José Francisco Rebouças Lins

Clídenor Jacob Medeiros

Arnaldo Nogueira Júnior

Renato de Arruda Penteado Júnior

Elmo Pignatano

Luiz Ramina

Darcy Furtado Rocha

Lair Passos Saraiva

Flávio Scottini

Nestor de Almeida e Silva

Nilo Augusto Borges Teixeira

Ernó Antonio Thimmig

Armando Vulcano

(T.D. 76-88)

Bonds

Approval and discontinuance of carrier bonds, Customs Form 3587

**DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., March 12, 1976.**

Bonds of carriers for the transportation of bonded merchandise have been approved or discontinued as shown below. The symbol "D" indicates that the bond previously outstanding has been discontinued on the month, day, and year represented by the figures which follow. "PB" refers to a previous bond, dated as represented by figures in parentheses immediately following, which has been discontinued. If the previous bond was in the name of a different company or if the surety was different, the information is shown in a footnote at the end of list.

Name of principal and surety	Date of bond	Date of approval	Filed with district director/area director; amount
AAA Cooper Transportation, Kinsey Road, P.O. Box 2207, Dothan, AL; motor carrier, Hartford Accident & Indemnity Co. (PB 2/3/75) D 2/13/76	Jan. 20, 1976	Feb. 13, 1976	Mobile, AL; \$25,000
Alaska Airlines, Inc., Seattle-Tacoma Airport, Seattle, WA; motor carrier, The Aetna Casualty and Surety Co. (PB 2/9/71) D 2/18/76 ²	Feb. 9, 1976	Feb. 18, 1976	Seattle, WA; \$25,000
Broward Air Freight Terminal, Inc., P.O. Box 22816, Ft. Lauderdale, FL; motor carrier, St. Paul Fire & Marine Ins. Co. D 1/27/76	Dec. 4, 1970	Dec. 10, 1970	Miami, FL; \$25,000
Central Motor Lines, Inc., P.O. Box 1067, Charlotte, NC; motor carrier, Liberty Mutual Ins. Co. (PB 3/7/69) D 2/18/76 ³	Jan. 13, 1976	Feb. 19, 1976	Wilmington, NC; \$25,000
Consolidated Brokers, Suite 117, 111 Continental Ave., Dallas, TX; motor carrier, The Travelers Indemnity Co. D 2/13/76	Oct. 29, 1973	Jan. 15, 1974	Laredo, TX; \$25,000
Dave's Motor Transportation, Inc., Logan International Airport, East Boston, MA; motor carrier, Hartford Accident & Indemnity Co.	Apr. 10, 1975	Feb. 25, 1976	Boston, MA; \$50,000
Delaware Ship Supply Co., Inc., 1820-26 S. 4th St., Philadelphia, PA; motor carrier, Federal Ins. Co.	Jan. 28, 1976	Feb. 4, 1976	Philadelphia, PA; \$25,000

See footnotes at end of table.

Name of principal and surety	Date of bond	Date of approval	Filed with district director/area director; amount
Eastern Express, Inc., 1450 Wabash Ave., Terre Haute, IN; motor carrier, Seaboard Surety Co. D 2/17/76	Nov. 21, 1968	Jan. 3, 1969	Cleveland, OH; \$50,000
A. Fournier's Express, Inc., 466 Spring St., Windsor Locks, CT; motor carrier, St. Paul Fire & Marine Ins. Co. D 2/20/76	Nov. 2, 1971	Nov. 18, 1971	New York Seaport; \$25,000
Hebden & McKenzie, Inc., 131 State St., Boston, MA; motor carrier, Royal Globe Ins. Co. D 2/17/76	Apr. 10, 1974	Apr. 10, 1974	Boston, MA; \$25,000
Herrett Trucking Co., Inc., and Gem Trading Co., Inc., P.O. Box 539, Sunnyside, WA; motor carrier, Allied Fidelity Ins. Co. (PB 1/15/68) D 2/18/76 *	Jan. 14, 1976	Feb. 18, 1976	Seattle, WA; \$25,000
M. X., Inc., 300 S. 25th Ave., P.O. Box 6584, Phoenix, AZ; motor carrier, Ins. Co. of North America D 2/17/76	June 18, 1974	July 16, 1974	Nogales, AZ; \$25,000
Metroflight, Inc., dba Metro Airlines and dba Metroflight Airlines, Box 58608, Houston, TX; air carrier, U.S. Fire Ins. Co. (PB 10/20/72) D 12/5/75 *	Oct. 9, 1975	Dec. 4, 1975	Houston, TX; \$25,000
Poole Truck Line, Inc., Ted Bates Road, P.O. Box 310, Evergreen, AL; motor carrier, The Aetna Casualty & Surety Co. (PB 4/7/69) D 2/12/76 *	Jan. 1, 1976	Feb. 12, 1976	Mobile, AL; \$25,000
River Transport Inc., P.O. Box 633, Charlottetown, P.E.I. Canada; motor carrier, Peerless Ins. Co. (PB 12/15/73) D 2/25/76 *	Feb. 10, 1976	Feb. 25, 1976	Portland, ME; \$25,000
Robbins Motor Transportation, Inc., P.O. Box 38, Essington, PA; motor carrier, General Ins. Co. of America D 4/8/76	Apr. 8, 1971	Nov. 11, 1971	Philadelphia, PA; \$25,000
W. D. Smith Truck Line, P.O. Drawer "C", De Queen, AR; motor carrier, The Aetna Casualty & Surety Co. D 2/12/76	Dec. 8, 1975	Dec. 13, 1975	Laredo, TX; \$25,000
Texas-Continental Express, Inc., 2603 W. Euless Blvd., P.O. Box 484, Euless, TX; motor carrier, U.S. Fidelity & Guaranty Co. (PB 6/29/73) D 7/8/75 *	June 6, 1975	July 8, 1975	Houston, TX; \$25,000
Transamerican Freight Lines, Inc., 5650 Foremost Dr., S.E., Grand Rapids, MI; motor carrier, Seaboard Surety, A.N.Y. Corp. (PB 12/1/72) D 5/6/74 *	May 1, 1974	May 1, 1974	Detroit, MI; \$50,000

See footnotes at end of table.

Name of principal and surety	Date of bond	Date of approval	Filed with district director/area director; amount
Webb Truck Brokerage, P.O. Box 156, Pharr, TX; motor carrier, Bankers & Shippers Ins. Co. of NY D 2/2/76	Jan. 17, 1974	Mar. 15, 1974	Laredo, TX; \$25,000
Wells Cargo, Inc., 1775 East Fourth St., Reno, NV; motor carrier, Safeco Ins. Co. of America (PB 1/26/74) D 1/23/76 ¹⁰	Jan. 14, 1976	Jan. 23, 1976	San Francisco, CA; \$50,000
L. Zaccaro Trucking & Warehousing Co., Inc., 192 Tyler St., Port Newark, NJ; motor carrier, Hartford Accident & Indemnity Co. D 2/13/76	Jan. 8, 1975	Jan. 14, 1975	New York Sea- port; \$50,000

¹ Principal is Cooper Transfer Co., Division of AAA Cooper Transportation

² Surety is U.S. Fidelity & Guaranty Co.

³ Surety is The Home Indemnity Co.

⁴ Surety is St. Paul Fire & Marine Ins. Co.

⁵ Principal is Metro Airlines dba Houston Metro Airlines

⁶ Surety is Liberty Mutual Ins. Co.

⁷ Surety is Hartford Accident & Indemnity Co.

⁸ Surety is Allstate Ins. Co.

⁹ Surety is Hartford Accident & Indemnity Co.

¹⁰ Surety is Argonaut Ins. Co.

(BON-3-03)

LEONARD LEHMAN,
Assistant Commissioner,
Regulations and Rulings.

(T.D. 76-89)

Executive order 11906—Generalized system of preferences

Title V of Public Law 93-618 and Executive Order No. 11906 amending
Executive Order No. 11888

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., March 15, 1976.

There is published below Executive Order No. 11906 of February 26, 1976, amending Executive Order No. 11888 which implemented the Generalized System of Preferences established by the Trade Act of

1974. Annex II amends the list of item numbers with the designation "A" in the "GSP" column of the Tariff Schedules of the United States. Annex III similarly amends item numbers with the designation "A*". This Executive Order was published in the FEDERAL REGISTER on February 26, 1976 (41 FR 8758).

(CLA-2:R:CV)

J. P. TEBEAU for
LEONARD LEHMAN,
*Assistant Commissioner,
Regulations and Rulings.*

Title 3—The President

Executive Order 11906

February 26, 1976

Amending the Generalized System of Preferences

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Title V and Section 604 of the Trade Act of 1974 (88 Stat. 2066, 19 U.S.C. 2461 *et seq.*; 88 Stat. 2073, 19 U.S.C. 2483), and as President of the United States of America, in order to modify, as provided by Section 504(c) of the Trade Act of 1974 (88 Stat. 2070, 19 U.S.C. 2464 (c)), the limitations on preferential treatment for eligible articles from countries designated as beneficiary developing countries and adjust the original designation of eligible articles, it is hereby ordered as follows:

SECTION 1. General Headnote 3(c)(iii) of the Tariff Schedules of the United States (as added by Section 9 of Executive Order No. 11888 of November 24, 1975) is amended by substituting therefor the General Headnote 3(c)(iii) set forth in Annex I, attached hereto and made a part hereof.

SEC. 2. Annex II of Executive Order No. 11888 of November 24, 1975, made a part thereof by Section 5 of that Order, is amended as provided in Annex II, attached hereto and made a part hereof.

SEC. 3. Annex III of Executive Order No. 11888 of November 24, 1975, made a part thereof by Section 5 of that Order, is amended by substituting therefor the new Annex III, attached hereto and made a part hereof.

SEC. 4. Notwithstanding the provisions of Sections 10 and 12 of Executive Order No. 11888, the provisions of this Order shall be

effective with respect to articles that are entered for consumption, or withdrawn from warehouse for consumption, on or after February 29, 1976.

GERALD R. FORD.

THE WHITE HOUSE,
February 26, 1976.

ANNEX I

"(iii) The following designated eligible articles provided for in TSUS item numbers preceded by the designation "A*", if imported from a beneficiary developing country set opposite the TSUS item numbers listed below, are not entitled to the duty-free treatment provided for in subdivision (c)(ii) of this headnote:

TSUS item No.	Country or territory	TSUS item No.	Country or territory
107.45	Brazil	147.85	Brazil
110.45	Argentina	147.92	India
121.52	India	148.72	Chile
121.54	India	148.77	Republic of Korea
130.40	Mexico	149.15	Dominican Republic
130.63	Mexico	149.50	Dominican Republic
131.35	Hong Kong	152.43	Dominican Republic
132.55	Mexico	152.58	India
135.80	Nicaragua	152.72	Honduras
135.90	Mexico	153.02	Dominican Republic
135.94	Mexico	154.40	Republic of China (Taiwan)
136.00	Dominican Republic	155.20	Argentina
136.80	Mexico		Brazil
136.98	Dominican Republic		Republic of China (Taiwan)
136.99	Republic of China (Taiwan)		Colombia
137.75	Costa Rica		Costa Rica
138.05	Mexico		Dominican Republic
140.00	Thailand		El Salvador
140.14	Thailand		Guyana
141.35	Turkey		India
141.55	Dominican Republic		Jamaica
141.70	Republic of China (Taiwan)		Nicaragua
145.09	Dominican Republic	155.35	Panama
145.24	Mexico	161.83	Peru
145.53	Turkey	162.11	Philippine Republic
145.80	Republic of China (Taiwan)	166.30	Thailand
146.12	Argentina	166.40	Barbados
146.44	Philippine Republic		Mexico
147.33	Jamaica		India
147.80	Mexico		Israel

TSUS item No.	Country or territory	TSUS item No.	Country or territory
168.15	Trinidad	416.10	Turkey
168.23	Peru	419.60	Chile
168.50	Mexico	420.24	Israel
175.51	Romania	420.78	Argentina
176.01	Brazil	420.84	Romania
176.02	Brazil	421.06	Colombia
176.33	Malaysia	422.76	Mexico
186.40	Republic of China (Taiwan)	425.74	Brazil
192.85	Mexico	425.84	Netherlands Antilles
202.60	Thailand	426.78	Israel
202.62	Mexico	437.16	India
203.20	Singapore	437.51	Brazil
206.45	Philippine Republic	437.64	Brazil
206.60	Mexico	455.16	Mexico
206.95	Haiti	455.30	Mexico
222.10	Hong Kong	460.60	India
222.32	Republic of China (Taiwan)	460.70	Republic of China (Taiwan)
222.42	Hong Kong	461.15	Bermuda
240.02	Philippine Republic	465.65	Brazil
240.10	Republic of Korea	465.70	Argentina
240.12	Brazil	470.57	Argentina
240.38	Philippine Republic	472.44	India
240.40	Philippine Republic	473.36	Cyprus
251.30	Mexico	473.38	Cyprus
256.60	Republic of Korea	473.52	Mexico
256.85	Mexico	473.56	Mexico
304.40	Thailand	493.21	Republic of China (Taiwan)
304.48	Republic of China (Taiwan)	511.31	Mexico
304.58	India	511.41	Mexico
305.20	India	512.31	Mexico
305.22	India	512.44	Mexico
305.28	India	514.11	Dominican Republic
305.40	Philippine Republic	514.54	Mexico
306.53	Peru	515.51	Mexico
308.80	Thailand	516.24	India
319.01	India	516.71	India
319.03	India	516.73	India
319.05	India	516.74	India
319.07	India	516.76	India
335.50	India	516.94	India
347.28	Hong Kong	517.24	Malagasy Republic
347.30	India	518.41	Mexico
360.35	India	520.35	Thailand
364.18	Republic of China (Taiwan)	520.51	Hong Kong
		522.71	Somalia
		523.61	Mexico

TSUS item No.	Country or territory	TSUS item No.	Country or territory
534.74	Republic of China (Taiwan)	685.24	Republic of China (Taiwan)
535.31	Mexico		Hong Kong
540.47	Mexico		Singapore
545.37	Hong Kong	685.90	Mexico
545.53	Mexico	686.30	Republic of China (Taiwan)
545.65	Mexico		Malaysia
546.23	Republic of China (Taiwan)	687.30	Republic of China (Taiwan)
547.51	Mexico	688.10	Mexico
603.45	Republic of Korea	688.12	Hong Kong
610.56	India	688.40	Mexico
612.02	Peru	692.27	Peru
612.03	Chile	702.08	Republic of Korea
612.06	Peru	702.14	Hong Kong
612.15	Mexico	702.20	Hong Kong
612.41	Mexico	702.35	Mexico
612.45	Mexico	702.45	Mexico
613.15	Mexico	703.65	Mexico
613.18	Israel	703.75	Mexico
620.26	Israel	704.34	Republic of China (Taiwan)
624.02	Mexico	706.40	Hong Kong
624.34	Mexico	708.41	Hong Kong
624.42	Mexico	709.21	Pakistan
628.40	Barbados	710.30	Mexico
644.08	Colombia	710.68	Republic of China (Taiwan)
646.86	Hong Kong	711.30	Republic of China (Taiwan)
646.88	Hong Kong		Mexico
646.98	Mexico		Republic of China (Taiwan)
648.57	Republic of China (Taiwan)	713.05	Israel
650.87	Hong Kong	713.07	Yugoslavia
651.01	Hong Kong	713.19	Mexico
652.84	Mexico	722.14	Hong Kong
653.70	Hong Kong	726.70	Mexico
653.85	Republic of China (Taiwan)	730.27	Brazil
		730.41	Brazil
		730.77	Yugoslavia
660.44	Mexico	734.10	Republic of China (Taiwan)
660.80	Hong Kong		Hong Kong
668.32	Nicaragua	734.25	Hong Kong
672.10	Hong Kong	734.30	Hong Kong
676.20	Mexico	734.34	Hong Kong
676.52	Mexico	734.51	Republic of China (Taiwan)
683.70	Hong Kong		Hong Kong
683.80	Hong Kong	734.54	Republic of Korea
684.50	Hong Kong	734.56	Haiti

TSUS item No.	Country or territory	TSUS item No.	Country or territory
734.60	Republic of China (Taiwan)	760.65	Republic of China (Taiwan)
737.40	Hong Kong	772.03	Hong Kong
737.50	Hong Kong	772.35	Republic of China (Taiwan)
737.95	Hong Kong	772.97	Hong Kong
740.30	Hong Kong	773.10	Hong Kong
740.70	Yugoslavia	773.20	Republic of Korea
741.20	Hong Kong	774.20	India
741.30	Philippine Republic	774.60	Hong Kong
745.08	Hong Kong	790.07	Hong Kong
748.12	Haiti	790.39	Republic of China (Taiwan)
748.25	Brazil	790.70	Republic of Korea
748.40	Republic of China (Taiwan)	791.20	Colombia
750.05	Hong Kong	791.25	Mexico
750.25	Hong Kong	791.35	Mexico
750.35	Republic of China (Taiwan)	791.70	Republic of Korea
751.05	Republic of China (Taiwan)	791.75	Republic of Korea
751.15	Hong Kong	792.50	Philippine Republic
751.20	Republic of China (Taiwan)	792.60	Hong Kong
		792.75	Hong Kong"

ANNEX II

Annex II to Executive Order 11888 is amended—

(a) by deleting the following TSUS item numbers:

107.45	308.80	534.74	660.80
110.45	347.28	545.37	668.32
132.55	420.24	546.23	683.70
135.94	420.84	607.01	687.30
136.99	421.06	607.02	688.12
145.09	425.74	607.03	702.20
145.53	425.84	607.04	703.75
147.85	426.78	612.02	704.34
147.92	437.51	612.15	709.21
152.58	455.30	612.41	710.68
154.40	460.60	612.45	711.30
161.83	460.70	613.15	713.07
162.11	465.65	620.26	730.77
166.30	472.44	624.02	741.30
166.40	473.38	624.34	748.12
175.51	512.31	628.40	748.25
176.33	515.51	644.08	750.25
186.40	516.24	646.88	751.15
203.20	516.74	648.57	791.25
222.32	516.94	652.84	791.35
240.40	520.51	653.70	791.70
251.30	522.71	660.44	791.75

(b) by adding, in numerical sequence, the following TSUS item numbers:

106.60	245.45	472.48	656.20
106.70	304.04	493.20	661.65
107.48	305.30	511.51	678.50
111.15	306.52	517.21	694.60
121.50	355.04	520.37	696.35
137.40	364.35	531.04	703.20
140.16	365.05	544.11	725.20
148.35	365.14	602.30	730.39
152.00	403.78	605.60	730.65
153.08	418.28	618.29	731.30
155.40	421.46	628.90	731.50
155.75	421.90	646.06	734.40
156.45	425.32	646.82	740.05
168.18	426.94	647.10	748.20
190.10	428.92	649.37	750.40
200.91	446.10	652.36	771.05
240.60	461.05	672.07	802.10
45.107	60.017	92.570	131.210
46.107	66.117	127.370	182.210
47.107	70.117	97.540	124.210
48.107	74.117	98.810	131.210
107.45	146.44	186.40	308.80
110.45	147.33	192.85	319.01
121.52	147.80	202.60	319.03
121.54	147.85	202.62	319.05
130.40	147.92	203.20	319.07
130.63	148.72	206.45	335.50
131.35	148.77	206.60	347.28
132.55	149.15	206.95	347.30
135.80	149.50	222.10	360.35
135.90	152.43	222.32	364.18
135.94	152.58	222.42	416.10
136.00	152.72	240.02	419.60
136.80	153.02	240.10	420.24
136.98	154.40	240.12	420.78
136.99	155.20	240.38	420.84
137.75	155.35	240.40	421.06
138.05	161.83	251.30	422.76
140.09	162.11	256.60	425.74
140.14	166.30	256.85	425.84
141.35	166.40	304.40	426.78
141.55	168.15	304.48	437.16
141.70	168.23	304.58	437.51
145.09	168.50	305.20	437.64
145.24	175.51	305.22	455.16
145.53	176.01	305.28	455.30
145.60	176.02	305.40	460.60
146.12	176.33	306.53	460.70

CUSTOMS

ANNEX III Harmonized Codes and TSUS Item Numbers

		TSUS Item Number		
522.71	628.40	688.10	730.41	751.05
523.61	644.08	688.12	730.77	751.15
534.74	646.86	688.40	734.10	751.20
535.31	646.88	692.27	734.25	760.65
540.47	646.98	702.08	734.30	772.03
545.37	648.57	702.14	734.34	772.35
545.53	650.87	702.20	734.51	772.97
545.65	651.01	702.35	734.54	773.10
546.23	652.84	702.45	734.56	773.20
547.51	653.70	703.65	734.60	774.20
603.45	653.85	703.75	737.40	774.60
610.56	660.44	704.34	737.50	790.07
612.02	660.80	706.40	737.95	790.39
612.03	668.32	708.41	740.30	790.70
612.06	672.10	709.21	740.70	791.20
612.15	676.20	710.30	741.20	791.25
612.41	676.52	710.68	741.30	791.35
612.45	683.70	711.30	745.08	791.70
613.15	683.80	713.05	748.12	791.75
613.18	684.50	713.07	748.25	792.50
620.26	685.24	713.19	748.40	792.60
624.02	685.90	722.14	750.05	792.75
624.34	686.30	726.70	750.25	792.81
624.42	687.30	730.27	750.35	792.81
624.51	687.30	732.80	750.70	792.81
624.71	687.30	733.02	751.12	792.81
624.73	687.30	733.02	751.12	792.81
624.74	687.30	733.02	751.12	792.81
624.75	687.30	733.02	751.12	792.81
624.76	687.30	733.02	751.12	792.81
624.77	687.30	733.02	751.12	792.81
624.78	687.30	733.02	751.12	792.81
624.79	687.30	733.02	751.12	792.81
624.80	687.30	733.02	751.12	792.81
624.81	687.30	733.02	751.12	792.81
624.82	687.30	733.02	751.12	792.81
624.83	687.30	733.02	751.12	792.81
624.84	687.30	733.02	751.12	792.81
624.85	687.30	733.02	751.12	792.81
624.86	687.30	733.02	751.12	792.81
624.87	687.30	733.02	751.12	792.81
624.88	687.30	733.02	751.12	792.81
624.89	687.30	733.02	751.12	792.81
624.90	687.30	733.02	751.12	792.81
624.91	687.30	733.02	751.12	792.81
624.92	687.30	733.02	751.12	792.81
624.93	687.30	733.02	751.12	792.81
624.94	687.30	733.02	751.12	792.81
624.95	687.30	733.02	751.12	792.81
624.96	687.30	733.02	751.12	792.81
624.97	687.30	733.02	751.12	792.81
624.98	687.30	733.02	751.12	792.81
624.99	687.30	733.02	751.12	792.81
625.00	687.30	733.02	751.12	792.81
625.01	687.30	733.02	751.12	792.81
625.02	687.30	733.02	751.12	792.81
625.03	687.30	733.02	751.12	792.81
625.04	687.30	733.02	751.12	792.81
625.05	687.30	733.02	751.12	792.81
625.06	687.30	733.02	751.12	792.81
625.07	687.30	733.02	751.12	792.81
625.08	687.30	733.02	751.12	792.81
625.09	687.30	733.02	751.12	792.81
625.10	687.30	733.02	751.12	792.81
625.11	687.30	733.02	751.12	792.81
625.12	687.30	733.02	751.12	792.81
625.13	687.30	733.02	751.12	792.81
625.14	687.30	733.02	751.12	792.81
625.15	687.30	733.02	751.12	792.81
625.16	687.30	733.02	751.12	792.81
625.17	687.30	733.02	751.12	792.81
625.18	687.30	733.02	751.12	792.81
625.19	687.30	733.02	751.12	792.81
625.20	687.30	733.02	751.12	792.81
625.21	687.30	733.02	751.12	792.81
625.22	687.30	733.02	751.12	792.81
625.23	687.30	733.02	751.12	792.81
625.24	687.30	733.02	751.12	792.81
625.25	687.30	733.02	751.12	792.81
625.26	687.30	733.02	751.12	792.81
625.27	687.30	733.02	751.12	792.81
625.28	687.30	733.02	751.12	792.81
625.29	687.30	733.02	751.12	792.81
625.30	687.30	733.02	751.12	792.81
625.31	687.30	733.02	751.12	792.81
625.32	687.30	733.02	751.12	792.81
625.33	687.30	733.02	751.12	792.81
625.34	687.30	733.02	751.12	792.81
625.35	687.30	733.02	751.12	792.81
625.36	687.30	733.02	751.12	792.81
625.37	687.30	733.02	751.12	792.81
625.38	687.30	733.02	751.12	792.81
625.39	687.30	733.02	751.12	792.81
625.40	687.30	733.02	751.12	792.81
625.41	687.30	733.02	751.12	792.81
625.42	687.30	733.02	751.12	792.81
625.43	687.30	733.02	751.12	792.81
625.44	687.30	733.02	751.12	792.81
625.45	687.30	733.02	751.12	792.81
625.46	687.30	733.02	751.12	792.81
625.47	687.30	733.02	751.12	792.81
625.48	687.30	733.02	751.12	792.81
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625.50	687.30	733.02	751.12	792.81
625.51	687.30	733.02	751.12	792.81
625.52	687.30	733.02	751.12	792.81
625.53	687.30	733.02	751.12	792.81
625.54	687.30	733.02	751.12	792.81
625.55	687.30	733.02	751.12	792.81
625.56	687.30	733.02	751.12	792.81
625.57	687.30	733.02	751.12	792.81
625.58	687.30	733.02	751.12	792.81
625.59	687.30	733.02	751.12	792.81
625.60	687.30	733.02	751.12	792.81
625.61	687.30	733.02	751.12	792.81
625.62	687.30	733.02	751.12	792.81
625.63	687.30	733.02	751.12	792.81
625.64	687.30	733.02	751.12	792.81
625.65	687.30	733.02	751.12	792.81
625.66	687.30	733.02	751.12	792.81
625.67	687.30	733.02	751.12	792.81
625.68	687.30	733.02	751.12	792.81
625.69	687.30	733.02	751.12	792.81
625.70	687.30	733.02	751.12	792.81
625.71	687.30	733.02	751.12	792.81
625.72	687.30	733.02	751.12	792.81
625.73	687.30	733.02	751.12	792.81
625.74	687.30	733.02	751.12	792.81
625.75	687.30	733.02	751.12	792.81
625.76	687.30	733.02	751.12	792.81
625.77	687.30	733.02	751.12	792.81
625.78	687.30	733.02	751.12	792.81
625.79	687.30	733.02	751.12	792.81
625.80	687.30	733.02	751.12	792.81
625.81	687.30	733.02	751.12	792.81
625.82	687.30	733.02	751.12	792.81
625.83	687.30	733.02	751.12	792.81
625.84	687.30	733.02	751.12	792.81
625.85	687.30	733.02	751.12	792.81
625.86	687.30	733.02	751.12	792.81
625.87	687.30	733.02	751.12	792.81
625.88	687.30	733.02	751.12	792.81
625.89	687.30	733.02	751.12	792.81
625.90	687.30	733.02	751.12	792.81
625.91	687.30	733.02	751.12	792.81
625.92	687.30	733.02	751.12	792.81
625.93	687.30	733.02	751.12	792.81
625.94	687.30	733.02	751.12	792.81
625.95	687.30	733.02	751.12	792.81
625.96	687.30	733.02	751.12	792.81
625.97	687.30	733.02	751.12	792.81
625.98	687.30	733.02	751.12	792.81
625.99	687.30	733.02	751.12	792.81
625.00	687.30	733.02	751.12	792.81

Decisions of the United States Customs Court

United States Customs Court

One Federal Plaza
New York, N.Y. 10007

Chief Judge

Nils A. Boe

Judges

Paul P. Rao
Morgan Ford
Scovel Richardson
Frederick Landis

James L. Watson
Herbert N. Maletz
Bernard Newman
Edward D. Re

Senior Judges

David J. Wilson
Mary D. Alger
Samuel M. Rosenstein

Clerk

Joseph E. Lombardi

Abstracts

Abstracted Protest Decisions

DEPARTMENT OF THE TREASURY, March 8, 1976.

The following abstracts of decisions of the United States Customs Court at New York are published for the information and guidance of officers of the customs and others concerned. Although the decisions are not of sufficient general interest to print in full, the summary herein given will be of assistance to customs officials in easily locating cases and tracing important facts.

VERNON D. ACREE,
Commissioner of Customs.

CUSTOMS COURT

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESSED		HELD Par. or Item No. and Rate	BASIS	PORT OF ENTRY AND MERCHANDISE
				Par. or Item No. and Rate	Par. or Item No. and Rate			
P76/50	Landis, J., March 3, 1976	Sumitomo Shoji Chicago, Inc.	6/253637	Item 657-120 19% or 17%	Item 600-80 0.1¢ per lb.	Sumitomo Shoji, Chicago, Inc. v. U.S. (C.D. 4612)	Chicago Formed steel plates	New York Washed lock-nuts (pak nuts)
P76/51	Ford, J., March 4, 1976	Jacobson Nut Mfg. Co., Inc.	74-2-00531, etc.	Item 646-72 and/ or 657-20 9.5%	Item 646-56 0.1¢ per lb.	Jacobson Mfg. Co., Int. v. U.S. (Abs. P74922)	New York Articles in c.v. of plastic	New York Articles in c.v. of plastic
P76/52	Ford, J., March 4, 1976	Sterling Novelty Products	73-8-02286	Item 706-90 20%	Item 774-00 8.5%	Adoleo Trading Co. et al. v. U.S. (C.D. 4487)	Los Angeles Merchandise in c.v. of plastic	Los Angeles Merchandise in c.v. of plastic
P76/53	Watson, J., March 4, 1976	Quon Quon Co.	72-7-01661	Item 748-30 28% or 23.5% 22% or 21%	Item 774-60 13.5% or 10%	Armbee Corporation et al. v. U.S. (C.D. 3278) Zunoid Trading Corpora- tion et al. v. U.S. (C.D. 3279) First American Artificial Flowers, Inc. v. U.S. (C.D. 4185) Joseph Markovits, Inc. v. U.S. (C.D. 4396)	Los Angeles Merchandise in c.v. of plastic	Los Angeles Merchandise in c.v. of plastic

**Decisions of the United States
Customs Court**

Abstracts

Abstracted Reappraisal Decisions

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS OF VALUATION	HELD VALUE	BASIS	PORT OF ENTRY AND MERCHANDISE
R76/37	Ford J. March 3, 1976	Distributors Import Co.	R62/332	American selling price	Appropriate value listed on schedule, attached to decision and judg- ment, in column des- ignated "Claimed Value (Per Party)"	Argued facts	New Orleans Foot wear
R76/38	Richardson, J. March 3, 1976	F & D Trading Corp.	R62/14586	Cost of production	Appropriate value listed on schedule, attached to decision and judg- ment, in column designated "Claimed Value (In Deutsch Mark)" for each auto- mobile model	U.S. v. F & D Trading Corp. (C.A.D. 1086)	Jacksonville (Tampa) Various model Volks- wagen automobiles

CUSTOMS COURT

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS OF VALUATION	HELD VALUE	BASIS	PORT OF ENTRY AND MERCHANDISE
R70/39	Richardson, J. March 3, 1976	F & D Trading Corp. et al.	R65/23189, etc.	Cost of production	Appropriate value listed on schedule, attached to decision and judg- ment, in column designated "Claimed Value" (in "Deutsch Mark") for each auto- mobile model	U.S. v. F & D Trading Corp. (C.A.D. 1089)	Houston Various model Volks- wagen automobiles
R70/40	Richardson, J. March 3, 1976	Vee & Grant, Inc.	R67/7501, etc.	Cost of production	Appropriate value listed on schedule, attached to decision and judg- ment, in column des- ignated "Claimed Value" (in "Deutsch Mark") for each auto- mobile model	U.S. v. F & D Trading Corp. (C.A.D. 1089)	Baltimore Various model Volks- wagen automobiles
R70/41	Richardson, J. March 4, 1976	Medison Imports Corp.	R66/25088	Cost of production	Appropriate value listed on schedule, attached to decision and judg- ment, in column des- ignated "Claimed Value" (in "Deutsch Mark") for each auto- mobile model	U.S. v. F & D Trading Corp. (C.A.D. 1089)	Los Angeles Various model Volks- wagen automobiles

Rehearing Motion Filed**MARCH 3, 1976**

M. L. De Lange v. United States, Court Nos. 69/7989, etc.—GRAIN PRODUCTS—C.D. 4631. Motion by plaintiff.

Appeal to United States Court of Customs and Patent Appeals

APPEAL 76-11.—United States v. Canadian Vinyl Industries, Inc.—POLYURETHANE SHEET WITH NYLON BACKING—OTHER FABRICS OF TEXTILE MATERIALS COATED WITH PLASTIC—FLEXIBLE SHEETS OF PLASTIC MADE IN IMITATION OF PATENT LEATHER—TSUS. Appeal from C.D. 4626.

In this case an importation composed of a glossy polyurethane "skin" on one side and a nylon fabric on the back was assessed with duty at the rate of 12.5 cents per pound and 15 percent ad valorem under the provision in item 355.82, Tariff Schedules of the United States, as modified by T.D. 68-9, for other fabrics of textile materials of man-made fibers, coated or laminated with plastic. The merchandise was held properly dutiable (as principally claimed by plaintiff-appellee) at the rate of 4 percent under the provision in item 771.40, as modified by T.D. 68-9, for flexible sheets almost wholly of plastic, made in imitation of patent leather. (Plaintiff's additional claims were for classification under items 771.42, 774.60 and 355.85, as modified.)

It is claimed that the Custom Court erred in sustaining the importer's claim under item 771.40, *supra*; in not affirming the classification under item 355.82, *supra*; in not finding and holding that the merchandise was properly classified under schedule 3 as opposed to schedule 7, TSUS; in finding and holding that the merchandise is not wholly or in chief value of the nylon textile material; in finding and holding that the importation is almost wholly of plastic; in finding and holding that the essential character of the importation is the visual and tactile quality imparted by the polyurethane material; in not finding and holding that the essential character of the importation was imparted by the nylon fabric backing; in finding and holding that the importation was made in imitation of patent leather; in not finding and holding that the importation was an intermediate product and not an article for purposes of classification in conjunction with the exclusionary language in headnote 5, schedule 3, TSUS; in not

finding and holding that the coated or laminated fabrics are to be regarded as other than a textile material for classification purposes only to the extent that nontransparent plastics form the outer or only exposed surface of such fabric as used in the final product made therefrom, and not where such fabric is an intermediate product; in failing properly to interpret and apply the legislative history of the TSUS relevant to the item numbers upon which the classification and the importer's claims were predicated, with respect to the fabric-supported, polyurethane-coated material; and, alternatively, in not finding and holding that if the merchandise was not properly classified under item 355.82, TSUS, then it was properly classifiable under item 355.85, TSUS.



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